



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

February 8, 2017

VIA ECF

The Honorable Denise L. Cote
United States District Judge
United States District Court for the
Southern District of New York
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street, Room 1610
New York, New York 10007

Re: *United States v. Mahmoud Thiam*
17 Cr. 47 (DLC)

Dear Judge Cote:

The Government writes to respectfully request, with the consent of defense counsel, that: (1) the Court set a conference in this matter for Monday, February 13, 2017 at 2:00 p.m. and exclude time under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A), from February 9, 2017, the date originally set for a conference in this matter, through February 13, 2017; and (2) accept for filing under seal the exhibits submitted by the Government in support of its opposition to the defendant's motion for pretrial release.

With respect to the first request described above, the Government has conferred with the Court's deputy clerk and defense counsel and respectfully requests that, in light of the predicted inclement weather tomorrow, the conference scheduled for tomorrow be adjourned until Monday, February 13, 2017 at 2:00 p.m. I have learned from your Honor's deputy clerk that the Court would be available at that time. That time is also convenient for the parties. The Government further requests the exclusion of time under the Speedy Trial Act from February 9, 2017, the date originally set for a conference in this matter, through February 13, 2017, which will allow the defense to sort through the representation issues discussed during yesterday's conference. I have consulted with Paul Summit, Esq., counsel for the defendant, and he consents to this requested exclusion of time.

With respect to the second request described above, as the Court is aware, on January 30 and 31, 2017 a hearing was held before the Honorable Victor Marrero on the defendant's motion for pretrial release. Prior to that hearing, on January 27, 2017, the Government filed on ECF a memorandum in opposition to the defendant's motion relying on exhibits, several of which contain personal identifying information and other personal information of the defendant and the defendant's family members. During the hearing, the Government supplemented the record with

three additional exhibits. The exhibits submitted by the Government include the defendant's personal income tax returns, bank account information, and a school tuition statement. The Government submitted these exhibits to the Court but did not file them on ECF because of the sensitive information they contain. The Government therefore respectfully requests that the exhibits submitted by the Government in connection with the bail hearing before Judge Marrero be accepted for filing under seal. I have spoken with Mr. Summit and he consents to this request.

For the reasons set forth above, the Government respectfully requests that the Court enter orders: (1) setting a conference in this matter for Monday, February 13, 2017 at 2:00 p.m. and excluding time under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A), from February 9, 2017 through February 13, 2017; and (2) accepting for filing under seal the exhibits submitted by the Government in support of its opposition to the defendant's motion for pretrial release.

Very truly yours,

PREET BHARARA
United States Attorney

by: _____/s/_____
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